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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,130	08/29/2001	Robert McClure	DGI-105-A	6581

7590 12/08/2004

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EXAMINER

HUYNH, KIM T

ART UNIT PAPER NUMBER

2112

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/942,130

Applicant(s)

MCCLURE ET AL.

Examiner

Kim T. Huynh

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 2-3, 10-12

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
TIM VO  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument on the 112, first paragraph rejection was persuasive, Examiner hereby withdrawn the 112, first paragraph rejection from previous action(mailed on 10/25/04).

However, the prior arts rejection still remain sustained.

- 1) In response to applicant's argument that Robinson does not teach a protocol adapter including circuitry for transferring signals between an in vehicle network and a computer over a plurality of different protocols, where the circuitry includes an RS232 bus. Examiner respectfully disagrees. As Robinson notes at figure 1, vehicle controllers 12(adapter) communicate via a vehicle communication network 14(rs232bus) to computer system 16. And furthermore, As Robinson notes at col3, lines 8-44, discloses the vehicle controller 12 includes a communication interface 24 to transfer data over the communication protocols/networks. Thus, the prior art teaches the invention as claimed, therefore it is properly stated in the rejection of record.
- 2) Applicant argues that Abudayyeh does not disclose LED to visually indicate activity on the RS232 bus between the adapter and the computer. As Abudayyeh notes at col.4, line 61-col.5, line 13, discloses sensor detects a data transfer activity on bus(RS232 bus), LED regulates the waveform in accordance to the provide regulated signal for display. Thus it reads on the breath of the claim languages, therefore it is properly stated in the rejection of record.
- 3) Applicant argues that Chaloux does not teach using LEDs in a protocol adapter, where the LEDs indicate which of a plurality protocol is being used. As Chaloux notes at col.4 lines 26-61, discloses the microcontroller provides a communication protocol selector and the protocol analyzer identifies identification signals to a display(LEDs). The decoder energizing the LED, when pulses are detected by counter which counts the number of cycles in the difference signal. Thus, it reads on the breath of claim languages, therefore it is properly stated in the rejection of record.
- 4) Applicant argues that Stroth discloses a power line testing device having a signal generator and signal detector, and has nothing to do with a protocol adapter that transfers diagnostic signals between a vehicle network and a computer. As Applicant invention diagnostic signals whereas Stroth uses dual color LEDs to indicate different test result when conducting a test, therefore it is properly combinable for the purpose stated in the rejection of record.